

IX-1

1 **TITLE IX—MISCELLANEOUS**
2 **PROVISIONS**

3 **PART A—AMENDMENTS TO OTHER ACTS**

4 **Supart 1—National Education Statistics Act**

5 **SEC. 901. AMENDMENT TO NESA.**

6 Section 411 of the National Education Statistics Act
7 of 1994 (20 U.S.C. 9010) is amended—

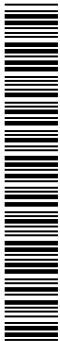
8 (1) by amending subsection (b)(2) to read as
9 follows:

10 “(2) STATE ASSESSMENTS.—(A) The Commis-
11 sioner, in carrying out the National Assessment—

12 “(i) may conduct State assessments of stu-
13 dent achievement in grades 4, 8, and 12; and

14 “(ii) shall conduct annual State assess-
15 ments of student achievement in reading and
16 mathematics in grades 4 and 8 in order for
17 States to carry out section 1111(c)(2) of the
18 Elementary and Secondary Education Act of
19 1965.

20 “(B)(i) Except as provided in clause (ii), a par-
21 ticipating State shall review and give permission for
22 the release of results from any test of its students
23 administered as a part of a State assessment prior
24 to the release of the data. Refusal by a State to re-
25 lease its data shall not restrict the release of data



IX-2

1 from other States that have approved the release of
2 that data.

3 “(ii) A State participating in the annual State
4 assessments of its students in reading and mathe-
5 matics in grades 4 and 8 shall be deemed to have
6 given its permission to release its data if it has an
7 approved plan under section 1111 of the Elementary
8 and Secondary Education Act of 1965.”; and

9 (2) by amending subsection (d) to read as fol-
10 lows:

11 “(d) PARTICIPATION.—

12 “(1) NATIONAL AND REGIONAL PARTICIPA-
13 TION.—Participation in the national and regional as-
14 sessments by State and local educational agencies
15 shall be voluntary.

16 “(2) STATE PARTICIPATION.—Participation in
17 assessments made on a State basis shall be vol-
18 untary.”.

19 **Subpart 2—Homeless Education**

20 **SEC. 911. SHORT TITLE.**

21 This subpart may be cited as the “McKinney-Vento
22 Homeless Education Assistance Improvements Act of
23 2001”.

24 **SEC. 912. FINDINGS.**

25 Congress makes the following findings:



IX-3

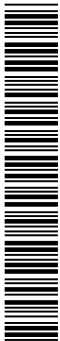
1 (1) An estimated 1,000,000 children in the
2 United States will experience homelessness in 2001.

3 (2) Homelessness has a devastating impact on
4 the educational opportunities of children and youth.
5 Homeless children go hungry at more than twice the
6 rate of other children, have four times the rate of
7 delayed development, and are twice as likely to re-
8 peat a grade.

9 (3) Despite steady progress in school enroll-
10 ment and attendance resulting from the passage in
11 1987 of the Stewart B. McKinney Homeless Assist-
12 ance Act, homeless students still face numerous bar-
13 riers to education, including residency, guardianship
14 and registration requirements, delays in the transfer
15 of school records, and inadequate transportation
16 service.

17 (4) School is one of the few secure factors in
18 the lives of homeless children and youth, providing
19 stability, structure, and accomplishment during a
20 time of great upheaval.

21 (5) Homeless children and youth require edu-
22 cational stability and the opportunity to maintain
23 regular and consistent attendance in school, so that
24 they acquire the skills necessary to escape poverty
25 and lead productive, healthy lives as adults.



IX–4

1 (6) In the 14 years since the passage of the
2 McKinney Act, educators and service providers have
3 learned much about policies and practices which help
4 remove the barriers described.

5 **SEC. 913. PURPOSE.**

6 The purpose of this subpart is to strengthen subtitle
7 B of title VII of Public Law 100–77 (42 U.S.C. 11431
8 et seq.) by amending it—

9 (1) to include innovative practices, proven to be
10 effective in helping homeless children and youth en-
11 roll, attend, and succeed in school; and

12 (2) to help ensure that all children and youth
13 impacted by the loss of fixed, regular, and adequate
14 housing receive a quality education and secure their
15 chance for a brighter future.

16 **SEC. 914. EDUCATION FOR HOMELESS CHILDREN AND**
17 **YOUTH.**

18 Subtitle B of title VII of Public Law 100–77 (42
19 U.S.C. 11431 et seq.) is amended to read as follows:

20 **“Subtitle B—Education for**
21 **Homeless Children and Youth**

22 **“SEC. 721. STATEMENT OF POLICY.**

23 “‘It is the policy of the Congress that—

24 “(1) each State educational agency ensure that
25 each child of a homeless individual and each home-



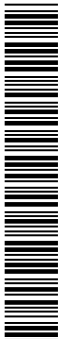
IX-5

1 less youth has equal access to the same free, public
2 education, including a public preschool education, as
3 provided to other children and youth;

4 “(2) in any State that has a compulsory resi-
5 dency requirement as a component of the State’s
6 compulsory school attendance laws or other laws,
7 regulations, practices, or policies that may act as a
8 barrier to the enrollment, attendance, or success in
9 school of homeless children and youth, the State re-
10 view and undertake steps to revise such laws, regula-
11 tions, practices, or policies to ensure that homeless
12 children and youth are afforded the same free, pub-
13 lic education as provided to other children and
14 youth;

15 “(3) homelessness alone is not sufficient reason
16 to separate students from the mainstream school en-
17 vironment; and

18 “(4) homeless children and youth must have ac-
19 cess to the education and other services that such
20 children and youth need to ensure that such children
21 and youth have an opportunity to meet the same
22 challenging State student performance standards to
23 which all students are held.



IX-6

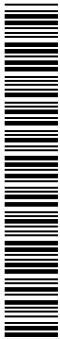
1 **“SEC. 722. GRANTS FOR STATE AND LOCAL ACTIVITIES FOR**
2 **THE EDUCATION OF HOMELESS CHILDREN**
3 **AND YOUTH.**

4 “(a) GENERAL AUTHORITY.—The Secretary is au-
5 thorized to make grants to States in accordance with the
6 provisions of this section to enable such States to carry
7 out the activities described in subsections (d), (e), (f), and
8 (g).

9 “(b) APPLICATION.—No State may receive a grant
10 under this section unless the State educational agency
11 submits an application to the Secretary at such time, in
12 such manner, and containing or accompanied by such in-
13 formation as the Secretary may reasonably require.

14 “(c) ALLOCATION AND RESERVATIONS.—

15 “(1) IN GENERAL.—Subject to paragraph (2)
16 and section 724(d), from the amounts appropriated
17 for each fiscal year under section 726, the Secretary
18 is authorized to allot to each State an amount that
19 bears the same ratio to the amount appropriated for
20 such year under section 726 as the amount allocated
21 under section 1122 of the Elementary and Sec-
22 ondary Education Act of 1965 to the State for that
23 year bears to the total amount allocated under sec-
24 tion 1122 to all States for that year, except that no
25 State shall receive less than \$125,000 or 1/2 of 1



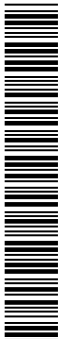
IX-7

1 percent of the amount appropriated under section
2 726, whichever is greater.

3 “(2) RESERVATION.—(A) The Secretary is au-
4 thorized to reserve 0.1 percent of the amount appro-
5 priated for each fiscal year under section 726 to be
6 allocated by the Secretary among the United States
7 Virgin Islands, Guam, American Samoa, and the
8 Commonwealth of the Northern Mariana Islands, ac-
9 cording to their respective need for assistance under
10 this subtitle, as determined by the Secretary.

11 “(B)(i) The Secretary shall transfer one percent
12 of the amount appropriated for each fiscal year
13 under section 726 to the Department of the Interior
14 for programs for Indian students served by schools
15 funded by the Secretary of the Interior, as deter-
16 mined under the Indian Self-Determination and
17 Education Assistance Act (25 U.S.C. 450 et seq.),
18 that are consistent with the purposes of this Act.

19 “(ii) The Secretary and the Secretary of the In-
20 terior shall enter into an agreement, consistent with
21 the requirements of this part, for the distribution
22 and use of the funds described in clause (i) under
23 terms that the Secretary determines best meet the
24 purposes of the programs described in such clause.
25 Such agreement shall set forth the plans of the Sec-



IX-8

1 retary of the Interior for the use of the amounts
2 transferred, including appropriate goals, objectives,
3 and milestones.

4 “(3) DEFINITION.—As used in this subsection,
5 the term “State” shall not include the United States
6 Virgin Islands, Guam, American Samoa, and the
7 Commonwealth of the Northern Mariana Islands.

8 “(d) ACTIVITIES.—Grants under this section shall be
9 used—

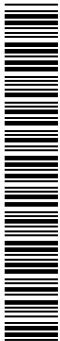
10 “(1) to carry out the policies set forth in sec-
11 tion 721 in the State;

12 “(2) to provide activities for, and services to,
13 homeless children, including preschool-aged homeless
14 children, and youth that enable such children and
15 youth to enroll in, attend, and succeed in school, or,
16 if appropriate, in preschool programs;

17 “(3) to establish or designate an Office of Coor-
18 dinator of Education of Homeless Children and
19 Youth in the State educational agency in accordance
20 with subsection (f);

21 “(4) to prepare and carry out the State plan
22 described in subsection (g); and

23 “(5) to develop and implement professional de-
24 velopment programs for school personnel to heighten
25 their awareness of, and capacity to respond to, spe-



IX-9

1 cific problems in the education of homeless children
2 and youth.

3 “(e) STATE AND LOCAL GRANTS.—

4 “(1) MINIMUM DISBURSEMENTS BY STATES.—

5 From the sums made available each year to carry
6 out this title, the State education agency shall dis-
7 tribute not less than 75 percent in grants to local
8 educational agencies for the purposes of carrying out
9 section 723, except that States funded at the min-
10 imum level set forth in section 722(c)(1) shall dis-
11 tribute not less than 50 percent in grants to local
12 educational agencies for the purposes of carrying out
13 section 723.

14 “(2) USE BY STATE EDUCATIONAL AGENCY.—

15 A State educational agency may use funds made
16 available for State use under this title to conduct ac-
17 tivities under subsection (f) directly or through
18 grants.

19 “(3) PROHIBITION ON SEGREGATING HOMELESS
20 STUDENTS.—

21 “(A) IN GENERAL.—Except as provided in
22 subparagraph (B) and section 723(a)(2)(B)(ii),
23 in providing a free, public education to a home-
24 less child or youth, no State receiving funds
25 under this subtitle shall segregate such child or



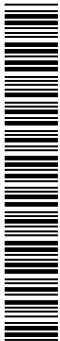
IX–10

1 youth, either in a separate school, or in a sepa-
2 rate program within a school, based solely on
3 such child’s or youth’s status as homeless.

4 “(B) EXCEPTION.—A State that has es-
5 tablished a separate school for homeless chil-
6 dren in the fiscal year preceding the date of en-
7 actment of the McKinney-Vento Homeless Edu-
8 cation Assistance Improvements Act of 2001
9 shall remain eligible to receive funds under this
10 subtitle for such program.

11 “(f) FUNCTIONS OF THE OFFICE OF COORDI-
12 NATOR.—The Coordinator of Education of Homeless Chil-
13 dren and Youth established in each State shall—

14 “(1) gather, to the extent possible, reliable,
15 valid, and comprehensive information on the nature
16 and extent of the problems homeless children and
17 youth have in gaining access to public preschool pro-
18 grams and to public elementary and secondary
19 schools, the difficulties in identifying the special
20 needs of such children and youth, any progress made
21 by the State educational agency and local edu-
22 cational agencies in the State in addressing such
23 problems and difficulties, and the success of the pro-
24 gram under this subtitle in assisting homeless chil-



IX–11

1 dren and youth to enroll in, attend, and succeed in,
2 school;

3 “(2) develop and carry out the State plan de-
4 scribed in subsection (g);

5 “(3) collect and transmit to the Secretary infor-
6 mation gathered pursuant to paragraphs (1) and (2)
7 at such time and in such manner as the Secretary
8 may require;

9 “(4) facilitate coordination between the State
10 educational agency, the State social services agency,
11 and other agencies providing services to homeless
12 children and youth, including homeless children, in-
13 cluding preschool-aged homeless children, and youth,
14 and families of such children and youth; and

15 “(5) in order to improve the provision of com-
16 prehensive education and related services to home-
17 less children and youth and their families, coordinate
18 and collaborate with—

19 “(A) educators, including child develop-
20 ment and preschool program personnel;

21 “(B) State and local providers of services
22 to homeless and runaway children and youth
23 and homeless families (including domestic vio-
24 lence agencies, shelter operators, transitional
25 housing facilities, runaway and homeless youth



IX-12

1 centers, and transitional living programs for
2 homeless youth);

3 “(C) local educational agency liaisons for
4 homeless children and youth; and

5 “(D) State and local community organiza-
6 tions and groups representing homeless children
7 and youth and their families.

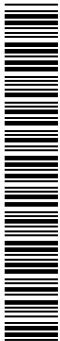
8 “(6) provide technical assistance to local edu-
9 cational agencies, in coordination with local liaisons
10 designated under subsection (g)(1)(J)(ii), to ensure
11 that local educational agencies comply with the re-
12 quirements of paragraphs (3) through (7) of sub-
13 section (g).

14 “(g) STATE PLAN.—

15 “(1) IN GENERAL.—Each State shall submit to
16 the Secretary a plan to provide for the education of
17 homeless children and youth within the State, which
18 plan shall—

19 “(A) describe how such children and youth
20 are or will be given the opportunity to meet the
21 same challenging State student performance
22 standards all students are expected to meet;

23 “(B) describe the procedures the State
24 educational agency will use to identify such chil-



IX–13

1 dren and youth in the State and to assess their
2 special needs;

3 “(C) describe procedures for the prompt
4 resolution of disputes regarding the educational
5 placement of homeless children and youth;

6 “(D) describe programs for school per-
7 sonnel (including principals, attendance officers,
8 teachers, enrollment personnel, and pupil serv-
9 ices personnel) to heighten the awareness of
10 such personnel of the specific needs of runaway
11 and homeless youth;

12 “(E) describe procedures that ensure that
13 homeless children and youth who meet the rel-
14 evant eligibility criteria are able to participate
15 in Federal, State, or local food programs;

16 “(F) describe procedures that ensure
17 that—

18 “(i) homeless children have equal ac-
19 cess to the same public preschool pro-
20 grams, administered by the State agency,
21 as provided to other children;

22 “(ii) homeless youth and youth sepa-
23 rated from the public schools are identified
24 and accorded equal access to appropriate



IX–14

1 secondary education and support services;
2 and

3 “(iii) homeless children and youth
4 who meet the relevant eligibility criteria
5 are able to participate in Federal, State, or
6 local before- and after-school care pro-
7 grams;

8 “(G) address problems set forth in the re-
9 port provided to the Secretary under subsection
10 (f)(3);

11 “(H) address other problems with respect
12 to the education of homeless children and
13 youth, including problems caused by—

14 “(i) transportation issues; and

15 “(ii) enrollment delays that are caused
16 by—

17 “(I) immunization and medical
18 records requirements;

19 “(II) residency requirements;

20 “(III) lack of birth certificates,
21 school records, or other documenta-
22 tion;

23 “(IV) guardianship issues; or

24 “(V) uniform or dress code re-
25 quirements;



IX-15

1 “(I) demonstrate that the State edu-
2 cational agency and local educational agencies
3 in the State have developed, and shall review
4 and revise, policies to remove barriers to the en-
5 rollment and retention of homeless children and
6 youth in schools in the State; and

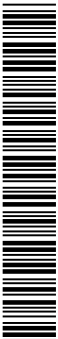
7 “(J) contain assurances that—

8 “(i) except as provided in subsection
9 (e)(3)(B), State and local educational
10 agencies will adopt policies and practices to
11 ensure that homeless children and youth
12 are not segregated solely on the basis of
13 their status as homeless; and

14 “(ii) local educational agencies des-
15 ignate an appropriate staff person, who
16 may also be a coordinator for other Fed-
17 eral programs, as a liaison for homeless
18 children and youth to carry out the duties
19 described in paragraph 6(A).

20 “(2) COMPLIANCE.—

21 “(A) IN GENERAL.—Each plan adopted
22 under this subsection shall also describe how
23 the State will ensure that local educational
24 agencies in the State will comply with the re-
25 quirements of paragraphs (3) through (7).



IX-16

1 “(B) COORDINATION.—Such plan shall in-
2 dicate what technical assistance the State will
3 furnish to local educational agencies and how
4 compliance efforts will be coordinated with the
5 local liaisons established under this subchapter.

6 “(3) LOCAL EDUCATIONAL AGENCY REQUIRE-
7 MENTS.—

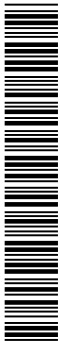
8 “(A) IN GENERAL.—The local educational
9 agency serving each child or youth to be as-
10 sisted under this subtitle shall, according to the
11 child’s or youth’s best interest, either—

12 “(i) continue the child’s or youth’s
13 education in the school of origin for the
14 duration of homelessness—

15 “(I) in any case in which a fam-
16 ily becomes homeless between aca-
17 demic years or during the academic
18 year; or

19 “(II) for the remainder of the
20 academic year, if the child becomes
21 permanently housed during the aca-
22 demic year; or

23 “(ii) enroll the child or youth in any
24 public school that nonhomeless students
25 who live in the attendance area in which



IX-17

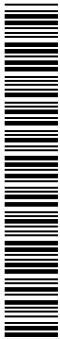
1 the child or youth is actually living are eli-
2 gible to attend.

3 “(B) BEST INTEREST.—In determining the
4 best interest of the child or youth under sub-
5 paragraph (A), the local educational agency
6 shall—

7 “(i) to the extent feasible, keep a
8 homeless child or youth in the school of or-
9 igin, except when doing so is contrary to
10 the wishes of the child’s or youth’s parent
11 or guardian;

12 “(ii) provide a written explanation, in-
13 cluding a statement regarding the right to
14 appeal under subparagraph (E), to the
15 homeless child or youth’s parent or guard-
16 ian if the local educational agency sends
17 such child or youth to a school other than
18 the school of origin or a school requested
19 by the parent or guardian; and

20 “(iii) in the case of an unaccompanied
21 youth, ensure that the homeless liaison
22 designated under paragraph (1)(J)(2) as-
23 sists in placement or enrollment decisions
24 under this subparagraph and provides no-



IX-18

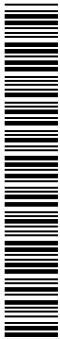
1 tice to such youth of the right to appeal
2 under subparagraph (E).

3 “(C) ENROLLMENT.—(i) The school se-
4 lected in accordance with this paragraph shall
5 immediately enroll pursuant to section 725(2)
6 the homeless child or youth, even if the child or
7 youth is unable to produce records normally re-
8 quired for enrollment, such as previous aca-
9 demic records, medical records, proof of resi-
10 dency, or other documentation.

11 “(ii) The enrolling school shall immediately
12 contact the school last attended by the child or
13 youth to obtain relevant academic and other
14 records.

15 “(iii) If the child or youth needs to obtain
16 immunizations or immunization or medical
17 records, the enrolling school shall immediately
18 refer the parent or guardian of the child or
19 youth to the liaison who shall assist in obtain-
20 ing necessary immunizations or immunization
21 or medical records in accordance with subpara-
22 graph (E).

23 “(D) RECORDS.—Any record ordinarily
24 kept by the school, including immunization or
25 medical records, academic records, birth certifi-



IX–19

1 cates, guardianship records, and evaluations for
2 special services or programs, of each homeless
3 child or youth shall be maintained—

4 “(i) so that the records are available,
5 in a timely fashion, when a child or youth
6 enters a new school or school district; and

7 “(ii) in a manner consistent with sec-
8 tion 444 of the General Education Provi-
9 sions Act (20 U.S.C. 1232g).

10 “(E) ENROLLMENT DISPUTES.—If a dis-
11 pute arises over school selection or enrollment
12 in a school—

13 “(i) the child or youth shall be imme-
14 diately admitted to the school in which en-
15 rollment is sought, pending resolution of
16 the dispute;

17 “(ii) the parent or guardian of the
18 child or youth shall be provided with a
19 written explanation of the school’s decision
20 regarding school selection or enrollment,
21 including the rights of the parent, guard-
22 ian, or youth to appeal the decision;

23 “(iii) the child, youth, parent, or
24 guardian shall be referred to the local liai-
25 son designated under paragraph (1)(J)(ii),



IX-20

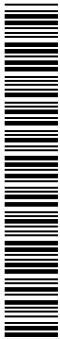
1 who shall carry out the dispute resolution
2 process as described in paragraph (1)(A)
3 as expeditiously as possible after receiving
4 notice of the dispute; and

5 “(iv) in the case of an unaccompanied
6 youth, the homeless liaison shall ensure
7 that the youth is immediately enrolled in
8 school pending resolution of the dispute.

9 “(F) PLACEMENT CHOICE.—The choice re-
10 garding placement shall be made regardless of
11 whether the child or youth lives with the home-
12 less parents or has been temporarily placed
13 elsewhere.

14 “(G) SCHOOL OF ORIGIN DEFINED.—In
15 this paragraph, the term “school of origin”
16 means the school that the child or youth at-
17 tended when permanently housed or the school
18 in which the child or youth was last enrolled.

19 “(H) CONTACT INFORMATION.—Nothing
20 in this subtitle shall prohibit a local educational
21 agency from requiring a parent or guardian of
22 a homeless child to submit contact information
23 required by the local educational agency of a
24 parent or guardian of a nonhomeless child.



IX-21

1 “(4) COMPARABLE SERVICES.—Each homeless
2 child or youth to be assisted under this subtitle shall
3 be provided services comparable to services offered
4 to other students in the school selected under para-
5 graph (3), including—

6 “(A) transportation services;

7 “(B) educational services for which the
8 child or youth meets the eligibility criteria, such
9 as services provided under title I of the Elemen-
10 tary and Secondary Education Act of 1965 or
11 similar State or local programs, educational
12 programs for children with disabilities, and edu-
13 cational programs for students with limited-
14 English proficiency;

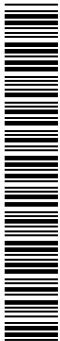
15 “(C) programs in vocational and technical
16 education;

17 “(D) programs for gifted and talented stu-
18 dents; and

19 “(E) school nutrition programs.

20 “(5) COORDINATION.—

21 “(A) IN GENERAL.—Each local educational
22 agency serving homeless children and youth
23 that receives assistance under this subtitle shall
24 coordinate—



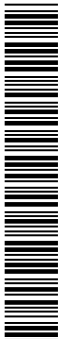
IX-22

1 “(i) the provision of services under
2 this subtitle with local social services agen-
3 cies and other agencies or programs pro-
4 viding services to homeless children and
5 youth and their families, including services
6 and programs funded under the Runaway
7 and Homeless Youth Act (42 U.S.C. 5701
8 et seq.); and

9 “(ii) with other local educational
10 agencies on interdistrict issues, such as
11 transportation or transfer of school
12 records.

13 “(B) HOUSING ASSISTANCE.—If applica-
14 ble, each State and local educational agency
15 that receives assistance under this subtitle shall
16 coordinate with State and local housing agen-
17 cies responsible for developing the comprehen-
18 sive housing affordability strategy described in
19 section 105 of the Cranston-Gonzales National
20 Affordable Housing Act (42 U.S.C. 12705) to
21 minimize educational disruption for children
22 and youth who become homeless.

23 “(C) COORDINATION PURPOSE.—The co-
24 ordination required under subparagraphs (A)
25 and (B) shall be designed to—



IX-23

1 “(i) ensure that homeless children and
2 youth have access and reasonable prox-
3 imity to available education and related
4 support services; and

5 “(ii) raise the awareness of school
6 personnel and service providers of the ef-
7 fects of short-term stays in a shelter and
8 other challenges associated with homeless-
9 ness.

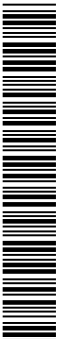
10 “(6) LIAISON.—

11 “(A) DUTIES.—Each local liaison for
12 homeless children and youth, designated under
13 paragraph (1)(J)(ii), shall ensure that—

14 “(i) homeless children and youth are
15 identified by school personnel and through
16 coordination activities with other entities
17 and agencies;

18 “(ii) homeless children and youth en-
19 roll in, and have an equal opportunity to
20 succeed in, schools of that agency;

21 “(iii) homeless families, children, and
22 youth receive educational services for
23 which such families, children, and youth
24 are eligible, including Head Start and
25 Even Start programs and preschool pro-



IX-24

1 grams administered by the local edu-
2 cational agency, and referrals to health
3 care services, dental services, mental health
4 services, and other appropriate services;

5 “(iv) the parents or guardians of
6 homeless children and youth are informed
7 of the education and related opportunities
8 available to their children and are provided
9 with meaningful opportunities to partici-
10 pate in the education of their children;

11 “(v) public notice of the educational
12 rights of homeless children and youth is
13 disseminated where such children and
14 youth receive services under this Act, such
15 as family shelters and soup kitchens; and

16 “(vi) enrollment disputes are mediated
17 in accordance with subsection (g)(3)(E).

18 “(B) NOTICE.—State coordinators whose
19 duties are described under subsection (d) and
20 local educational agencies shall inform school
21 personnel, service providers, and advocates
22 working with homeless families of the duties of
23 the liaisons.

24 “(C) LOCAL AND STATE COORDINATION.—
25 Local educational agency liaisons for homeless



IX-25

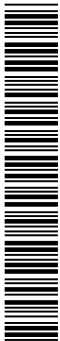
1 children and youth shall, as a part of their du-
2 ties, coordinate and collaborate with State coor-
3 dinators and community and school personnel
4 responsible for the provision of education and
5 related services to homeless children and youth.

6 “(7) REVIEW AND REVISIONS.—

7 “(A) IN GENERAL.—Each State edu-
8 cational agency and local educational agency
9 that receives assistance under this subtitle,
10 shall review and revise any policies that may act
11 as barriers to the enrollment of homeless chil-
12 dren and youth in schools selected in accord-
13 ance with paragraph (3).

14 “(B) CONSIDERATION.—In reviewing and
15 revising such policies, consideration shall be
16 given to issues concerning transportation, im-
17 munization, residency, birth certificates, school
18 records and other documentation, and guard-
19 ianship.

20 “(C) SPECIAL ATTENTION.—Special atten-
21 tion shall be given to ensuring the enrollment
22 and attendance of homeless children and youth
23 who are not currently attending school.



IX-26

1 **“SEC. 723. LOCAL EDUCATIONAL AGENCY GRANTS FOR THE**
2 **EDUCATION OF HOMELESS CHILDREN AND**
3 **YOUTH.**

4 “(a) GENERAL AUTHORITY.—

5 “(1) IN GENERAL.—The State educational
6 agency shall, in accordance with section 722(e) and
7 from amounts made available to such agency under
8 section 726, make grants to local educational agen-
9 cies for the purpose of facilitating the enrollment,
10 attendance, and success in school of homeless chil-
11 dren and youth.

12 “(2) SERVICES.—

13 “(A) IN GENERAL.—Services under para-
14 graph (1)—

15 “(i) may be provided through pro-
16 grams on school grounds or at other facili-
17 ties;

18 “(ii) shall, to the maximum extent
19 practicable, be provided through existing
20 programs and mechanisms that integrate
21 homeless children and youth with non-
22 homeless children and youth; and

23 “(iii) shall be designed to expand or
24 improve services provided as part of a
25 school’s regular academic program, but not



IX–27

1 to replace such services provided under
2 such program.

3 “(B) SERVICES ON SCHOOL GROUNDS.—If
4 services under paragraph (1) are provided on
5 school grounds, schools—

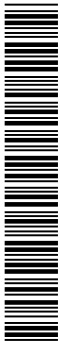
6 “(i) may use funds under this subtitle
7 to provide the same services to other chil-
8 dren and youth who are determined by the
9 local educational agency to be at risk of
10 failing in, or dropping out of, schools, sub-
11 ject to the requirements of clause (ii);

12 “(ii) except as otherwise provided in
13 section 722(e)(3)(B), shall not provide
14 services in settings within a school that
15 segregates homeless children and youth
16 from other children and youth, except as is
17 necessary for short periods of time—

18 “(I) for health and safety emer-
19 gencies; or

20 “(II) to provide temporary, spe-
21 cial, and supplementary services to
22 meet the unique needs of homeless
23 children and youth.

24 “(3) REQUIREMENT.—Services provided under
25 this section shall not replace the regular academic



IX-28

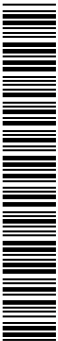
1 program and shall be designed to expand upon or
2 improve services provided as part of the school's reg-
3 ular academic program.

4 “(b) APPLICATION.—A local educational agency that
5 desires to receive a grant under this section shall submit
6 an application to the State educational agency at such
7 time, in such manner, and containing or accompanied by
8 such information as the State educational agency may rea-
9 sonably require. Each such application shall include—

10 “(1) an assessment of the educational and re-
11 lated needs of homeless children and youth, as de-
12 fined in section 725(1) and (2), in the area served
13 by such agency (which may be undertaken as part
14 of needs assessments for other disadvantaged
15 groups);

16 “(2) a description of the services and programs
17 for which assistance is sought to address the needs
18 identified in paragraph (1); and

19 “(3) an assurance that the local educational
20 agency's combined fiscal effort per student, or the
21 aggregate expenditures of that agency and the State
22 with respect to the provision of free public education
23 by such agency for the fiscal year preceding the fis-
24 cal year for which the determination is made, was
25 not less than 90 percent of such combined fiscal ef-



IX-29

1 fort or aggregate expenditures for the second fiscal
2 year preceding the fiscal year for which the deter-
3 mination is made;

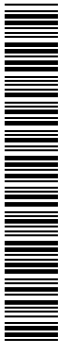
4 “(4) an assurance that the applicant complies
5 with, or will use requested funds to comply with,
6 paragraphs (3) through (7) of section 722(g); and

7 “(5) a description of policies and procedures,
8 consistent with section 722(e)(3)(B), that the agency
9 will implement to ensure that activities carried out
10 by the agency will not isolate or stigmatize homeless
11 children and youth.

12 “(c) AWARDS.—

13 “(1) IN GENERAL.—The State educational
14 agency shall, in accordance with the requirements of
15 this subtitle and from amounts made available to it
16 under section 726, make competitive subgrants to
17 local educational agencies that submit applications
18 under subsection (b). Such subgrants shall be
19 awarded on the basis of the need of such agencies
20 for assistance under this subtitle and the quality of
21 the applications submitted.

22 “(2) NEED.—In determining need under para-
23 graph (1), the State educational agency may con-
24 sider the number of homeless children and youth en-
25 rolled in preschool, elementary, and secondary



IX–30

1 schools within the area served by the agency, and
2 shall consider the needs of such children and youth
3 and the ability of the agency to meet such needs.

4 Such agency may also consider—

5 “(A) the extent to which the proposed use
6 of funds would facilitate the enrollment, reten-
7 tion, and educational success of homeless chil-
8 dren and youth;

9 “(B) the extent to which the application—
10 “(i) reflects coordination with other
11 local and State agencies that serve home-
12 less children and youth; and

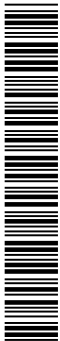
13 “(ii) meets the requirements of sec-
14 tion 722(g)(3);

15 “(C) the extent to which the applicant ex-
16 hibits in the application and in current practice
17 a commitment to education for all homeless
18 children and youth; and

19 “(D) such other criteria as the State agen-
20 cy determines appropriate.

21 “(3) QUALITY.—In determining the quality of
22 applications under paragraph (1), the State edu-
23 cational agency shall consider—

24 “(A) the applicant’s needs assessment
25 under subsection (b)(1) and the likelihood that



IX-31

1 the program presented in the application will
2 meet such needs;

3 “(B) the types, intensity, and coordination
4 of the services to be provided under the pro-
5 gram;

6 “(C) the involvement of parents or guard-
7 ians;

8 “(D) the extent to which homeless children
9 and youth will be integrated within the regular
10 education program;

11 “(E) the quality of the applicant’s evalua-
12 tion plan for the program;

13 “(F) the extent to which services provided
14 under this subtitle will be coordinated with
15 other available services; and

16 “(G) such other measures as the State
17 educational agency considers indicative of a
18 high-quality program.

19 “(4) DURATION OF GRANTS.—Grants awarded
20 under this section shall be for terms not to exceed
21 3 years.

22 “(d) AUTHORIZED ACTIVITIES.—A local educational
23 agency may use funds awarded under this section for ac-
24 tivities to carry out the purpose of this subtitle,
25 including—

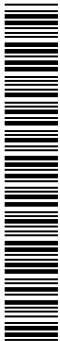


IX-32

1 “(1) the provision of tutoring, supplemental in-
2 struction, and enriched educational services that are
3 linked to the achievement of the same challenging
4 State content standards and challenging State stu-
5 dent performance standards the State establishes for
6 other children and youth;

7 “(2) the provision of expedited evaluations of
8 the strengths and needs of homeless children and
9 youth, including needs and eligibility for programs
10 and services (such as educational programs for gift-
11 ed and talented students, children with disabilities,
12 and students with limited-English proficiency, serv-
13 ices provided under title I of the Elementary and
14 Secondary Education Act of 1965 or similar State
15 or local programs, programs in vocational and tech-
16 nical education, and school nutrition programs);

17 “(3) professional development and other activi-
18 ties for educators and pupil services personnel that
19 are designed to heighten the understanding and sen-
20 sitivity of such personnel to the needs of homeless
21 children and youth, the rights of such children and
22 youth under this Act, and the specific educational
23 needs of runaway and homeless youth;



IX-33

1 “(4) the provision of referral services to home-
2 less children and youth for medical, dental, mental,
3 and other health services;

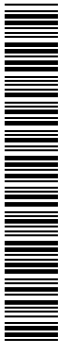
4 “(5) the provision of assistance to defray the
5 excess cost of transportation for students pursuant
6 to section 722(g)(4)(A), not otherwise provided
7 through Federal, State, or local funding, where nec-
8 essary to enable students to attend the school se-
9 lected under section 722(g)(3);

10 “(6) the provision of developmentally appro-
11 priate early childhood education programs, not oth-
12 erwise provided through Federal, State, or local
13 funding, for preschool-aged children;

14 “(7) the provision of services and assistance to
15 attract, engage, and retain homeless youth (as de-
16 scribed in paragraphs (1) and (2) of section 725) in
17 public school programs and services provided to non-
18 homeless youth;

19 “(8) the provision for homeless children and
20 youth of before- and after-school, mentoring, and
21 summer programs in which a teacher or other quali-
22 fied individual provides tutoring, homework assist-
23 ance, and supervision of educational activities;

24 “(9) if necessary, the payment of fees and other
25 costs associated with tracking, obtaining, and trans-



IX-34

1 ferring records necessary to enroll homeless children
2 and youth in school, including birth certificates, im-
3 munization or medical records, academic records,
4 guardianship records, and evaluations for special
5 programs or services;

6 “(10) the provision of education and training to
7 the parents of homeless children and youth about
8 the rights of, and resources available to, such chil-
9 dren and youth;

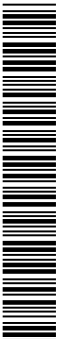
10 “(11) the development of coordination between
11 schools and agencies providing services to homeless
12 children and youth, as described in section
13 722(g)(5);

14 “(12) the provision of pupil services (including
15 violence prevention counseling) and referrals for
16 such services;

17 “(13) activities to address the particular needs
18 of homeless children and youth that may arise from
19 domestic violence;

20 “(14) the adaptation of space and purchase of
21 supplies for nonschool facilities made available under
22 subsection (a)(2) to provide services under this sub-
23 section;

24 “(15) the provision of school supplies, including
25 those supplies to be distributed at shelters or tem-



IX-35

1 porary housing facilities, or other appropriate loca-
2 tions; and

3 “(16) the provision of other extraordinary or
4 emergency assistance needed to enable homeless chil-
5 dren and youth to attend school.

6 **“SEC. 724. SECRETARIAL RESPONSIBILITIES.**

7 “(a) REVIEW OF PLANS.—In reviewing the State
8 plan submitted by a State educational agency under sec-
9 tion 722(g), the Secretary shall use a peer review process
10 and shall evaluate whether State laws, policies, and prac-
11 tices described in such plans adequately address the prob-
12 lems of homeless children and youth relating to access to
13 education and placement as described in such plans.

14 “(b) TECHNICAL ASSISTANCE.—The Secretary shall
15 provide support and technical assistance to the State edu-
16 cational agencies to assist such agencies to carry out their
17 responsibilities under this subtitle, if requested by the
18 State educational agency.

19 “(c) NOTICE.—The Secretary shall, before the next
20 school year that begins after the date of the enactment
21 of the McKinney-Vento Homeless Education Assistance
22 Improvements Act of 2001, create and disseminate nation-
23 wide a public notice of the educational rights of homeless
24 children and youth and disseminate such notice to other
25 Federal agencies, programs, and grantees, including Head



IX-36

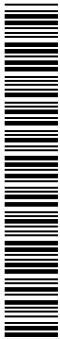
1 Start grantees, Health Care for the Homeless grantees,
2 Emergency Food and Shelter grantees, and homeless as-
3 sistance programs administered by the Department of
4 Housing and Urban Development.

5 “(d) EVALUATION AND DISSEMINATION.—The Sec-
6 retary shall conduct evaluation and dissemination activi-
7 ties of programs designed to meet the educational needs
8 of homeless elementary and secondary school students,
9 and may use funds appropriated under section 726 to con-
10 duct such activities.

11 “(e) SUBMISSION AND DISTRIBUTION.—The Sec-
12 retary shall require applications for grants under this sub-
13 title to be submitted to the Secretary not later than the
14 expiration of the 60-day period beginning on the date that
15 funds are available for purposes of making such grants
16 and shall make such grants not later than the expiration
17 of the 120-day period beginning on such date.

18 “(f) DETERMINATION BY SECRETARY.—The Sec-
19 retary, based on the information received from the States
20 and information gathered by the Secretary under sub-
21 section (e), shall determine the extent to which State edu-
22 cational agencies are ensuring that each homeless child
23 and homeless youth has access to a free appropriate public
24 education as described in section 721(1).

25 “(g) INFORMATION.—



IX–37

1 “(1) IN GENERAL.—From funds appropriated
2 under section 726, the Secretary shall, either di-
3 rectly or through grants, contracts, or cooperative
4 agreements, periodically collect and disseminate data
5 and information regarding—

6 “(A) the number and location of homeless
7 children and youth;

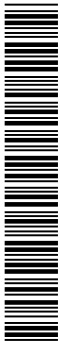
8 “(B) the education and related services
9 such children and youth receive;

10 “(C) the extent to which such needs are
11 being met; and

12 “(D) such other data and information as
13 the Secretary deems necessary and relevant to
14 carry out this subtitle.

15 “(2) COORDINATION.—The Secretary shall co-
16 ordinate such collection and dissemination with
17 other agencies and entities that receive assistance
18 and administer programs under this subtitle.

19 “(h) REPORT.—Not later than 4 years after the date
20 of the enactment of the McKinney-Vento Homeless Edu-
21 cation Assistance Improvements Act of 2001, the Sec-
22 retary shall prepare and submit to the President and the
23 Committee on Education and the Workforce of the House
24 of Representatives and the Committee on Health, Edu-
25 cation, Labor, and Pensions of the Senate a report on the



IX-38

1 status of education of homeless children and youth, which
2 shall include information on—

3 “(1) the education of homeless children and
4 youth; and

5 “(2) the actions of the Department and the ef-
6 fectiveness of the programs supported under this
7 subtitle.

8 **“SEC. 725. DEFINITIONS.**

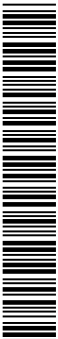
9 “In this subtitle:

10 “(1) The term ‘homeless children and youth’—

11 “(A) means individuals who lack a fixed,
12 regular, and adequate nighttime residence
13 (within the meaning of section 103(a)(1));

14 “(B) includes—

15 “(i) children and youth who are living
16 in doubled-up accommodations sharing the
17 housing of another due to loss of housing,
18 economic hardship or a similar reason, are
19 living in motels, hotels, trailer parks, or
20 camping grounds due to the lack of alter-
21 native adequate accommodations, are living
22 in emergency or transitional shelters, are
23 abandoned in hospitals, or are awaiting
24 foster care placement;



IX-39

1 “(ii) individuals who have a primary
2 nighttime residence that is a public or pri-
3 vate place not designed for or ordinarily
4 used as a regular sleeping accommodation
5 for human beings (within the meaning of
6 section 103(a)(2)(C)); and

7 “(iii) children and youth who are liv-
8 ing in cars, parks, public spaces, aban-
9 doned buildings or substandard housing,
10 bus or train stations, or similar settings;
11 and

12 “(B) does not include migratory children
13 (as such term is defined in section 1309(2) of
14 the Elementary and Secondary Education Act
15 of 1965, unless such children are staying in ac-
16 commodations not fit for habitation.

17 “(2) The term ‘unaccompanied youth’ includes
18 youth not in the physical custody of a parent or
19 guardian.

20 “(3) The terms ‘enroll’ and ‘enrollment’ include
21 within their meaning the right to attend classes and
22 to participate fully in school activities.

23 “(4) The terms ‘local educational agency’ and
24 ‘State educational agency’ have the meanings given



IX-40

1 such terms in section 8101 of the Elementary and
2 Secondary Education Act of 1965.

3 “(5) The term ‘Secretary’ means the Secretary
4 of Education.

5 “(6) The term ‘State’ means each of the 50
6 States, the District of Columbia, and the Common-
7 wealth of Puerto Rico.

8 **“SEC. 726. AUTHORIZATION OF APPROPRIATIONS.**

9 “For the purpose of carrying out this subtitle, there
10 are authorized to be appropriated \$36,000,000 for fiscal
11 year 2002 and such sums as may be necessary for each
12 of the fiscal years 2003 through 2006.”.

13 **SEC. 915. TECHNICAL AMENDMENT.**

14 (a) IN GENERAL.—Section 1 of Public Law 106–400
15 (42 U.S.C. 11301) is amended by striking “Section 1”
16 and inserting “Section 101”.

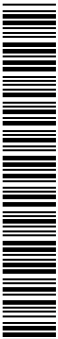
17 (b) EFFECTIVE DATE.—The amendment made by
18 subsection (a) shall be deemed to be effective on the date
19 of enactment of Public Law 106–400.

20 **PART B—REPEALS**

21 **SEC. 921. REPEALS.**

22 The following provisions are repealed:

23 (1) GOALS.—Parts A and C of title II and title
24 VI of Goals 2000: Educate America Act.



IX-41

1 (2) TROOPS-TO-TEACHERS PROGRAM ACT OF
2 1999.—The Troops-to-Teachers Program Act of
3 1999 (title XVII of Public Law 106–65; 20 U.S.C.
4 9301 et seq.).

5 (3) ESEA.—

6 (A) Part B of title IX, relating to Native
7 Hawaiians.

8 (B) Title X, relating to programs of na-
9 tional significance.

10 (C) Title XI, relating to coordinated serv-
11 ices.

12 (D) Title XII, relating to education infra-
13 structure.

14 (E) The title heading of title XIII and sec-
15 tions 13001 and 13002.

